

REMARKS

This communication is responsive to the Office Action dated September 28, 2001. By this response, Applicant has cancelled claims 1-19 without prejudice or disclaimer and has added new claims 20-35. Sixteen claims (3 independent and 13 dependent) remain pending in this Application. Support for the amendments is found in the Specification and claims originally filed. No new matter is added by this Amendment. Applicant believes that no fee is required by this response; should any fee be necessary, however, the Commissioner is authorized to deduct such fee from Deposit Account 19-2814. This response is being filed by facsimile, with a confirmatory copy being sent via first class mail.

As a preliminary matter, Applicant hereby confirms that the present application is a continuation application filed under 35 U.S.C. § 120. Applicant has amended the priority claim language in the Specification to make this clear.

With regard to the Oath/Declaration, Applicant respectfully notes that the present application was accorded Rule 1.47(a) status in a petition granted on January 02, 2001. A copy of the Decision granting Rule 1.47(a) status is enclosed herewith.

Applicant has submitted revised drawing figures for the Examiner's approval, with changes shown in red. Although the Office Action states that "the drawings show only numbered boxes and circles connected by arrows" and that "it is not possible to determine the intended invention by the drawings", no basis in statute or rule is cited for any rejection. Indeed, Applicant respectfully contends that the Specification is intended to be read with reference to the drawing figures (see page

5, lines 2-6 of the Specification). Each of the elements shown in the drawing figures are labeled with a reference number that is referenced in the Specification, and the drawings clearly show the various exemplary inter-relationships between the elements. Accordingly, Applicant respectfully requests reconsideration and acceptance of the amended drawing figures.

Applicant has also amended the specification to address the objections raised in the Office Action. Reconsideration of the amended Specification requested.

The Office Action rejects prior claims 10-19 under 35 U.S.C. § 101 as "inoperative and therefore lacking utility". Without consenting to the rejection, Applicant has cancelled the subject claims with this response, so the rejection is believed to be moot.

Prior Art Rejections

The Office Action rejects prior claims 1-9 under Section 102(e), citing United States Patent No. 6,226,623 ("Schein"). Applicant respectfully traverses the rejection in that the Schein reference fails to incorporate each and every limitation found in the present claims.

The Schein reference describes a communication and messaging system for use by a bank (see, e.g., col. 9, lines 1-13). The system allows customers to access various personal banking information (including checking and savings accounts, investment accounts, mortgages and the like) from branch offices or from home via telephone, personal computer, etc. (see, e.g., col. 10, lines 14-27). The Schein reference also describes a central database that stores information about a customer's various accounts in a central location (see, e.g., col. 10, lines 41-56) so that the bank can use the customer information for financial analysis and marketing (col. 11, lines 1-10). The Schein reference does not, however, disclose a system or

method for creating or operating various stored value products, as recited by the various claims of the present Application. Indeed, the Schein language referenced by the Office Action as disclosing "a plurality of objects" (col. 7, lines 13-33) merely describes a list of conventional bank services, and makes no mention of objects whatsoever. The Schein reference is not concerned with building or operating stored value products, and as such would have no need for a database of objects suited for such a purpose. Accordingly, the Schein reference fails to expressly or impliedly disclose at least a system *"wherein each of said stored value products comprises a plurality of objects retrieved from said database, and wherein each of said plurality of objects provides a function that is available to each of the plurality of stored value products such that each of said plurality of stored value products is allowed to retrieve said customer data and said merchant data from said database"*, as recited in the present claims. Accordingly, the reference fails to anticipate the claimed invention, and reconsideration is requested.

The Office Action rejects prior claims 10-19 under 35 U.S.C. § 102(e), citing US Patent 6,078,891 ("Riordan"). Applicant respectfully traverses the rejection in that the cited reference fails to disclose each and every element of the present claims. The Riordan reference describes a system for collecting marketing data that includes "electronic invoices" that allow tracking of purchase habits for a particular consumer. The system includes a data warehouse that receives the electronic invoices and analyzes the resultant data (see, e.g., col. 2, lines 8-31). The reference makes no express or implied mention of a system or method for building or operating multiple stored value products. Further, the Riordan reference makes no mention of objects whatsoever. Accordingly, the reference does not disclose at least a server *"wherein each of said plurality of objects is configured to facilitate a particular function and to associate with each of said plurality of stored value*


programs" as recited in claim 28. Reconsideration of the rejection is respectfully requested.

Conclusion

In sum, Applicant respectfully submits that the present application is in condition for allowance, and earnestly solicits a Notice of Allowance at the Examiner's earliest convenience. The Examiner is invited to telephone the undersigned if such would advance prosecution of this Application in any way.

Dated this 27 day of DECEMBER, 2001.

Respectfully submitted on behalf of
AMERICAN EXPRESS TRAVEL RELATED
SERVICES, INC., assignee,

By  FOR REG. #35,969
Brett A. Carlson
U.S. Reg. No. 39,928

SNELL & WILMER L.L.P.
One Arizona Center
Phoenix, AZ 85004-2202
Phone: (602) 382-6236
Fax: (602) 382-6070
bacarlson@swlaw.com